

King County Public Defense – A Brief Chronology¹

- For over 40 years King County contracted with private, nonprofit corporations for the provision of most public defense services.
- In January 2006 a class action lawsuit, *Dolan v. King County*, was filed against King County, alleging that the employees of the public defense agencies were de facto county employees and that King County had a duty to enroll them in the Public Employees' Retirement System (PERS). The Washington State Supreme Court upheld the trial court's finding that the nonprofits were "arms and agencies" of King County, making the employees of those nonprofits de facto employees of King County for the purpose of PERS enrollment. In April 2012 King County commenced employer contributions to PERS for King County's public defenders.
- In March 2013 the County Council approved a proposed settlement agreement for the *Dolan* class action that is undergoing a judicial approval process. The settlement agreement provided that the County would recognize the plaintiffs as county employees as of July 1, 2013, with full benefits, but left up to the County how public defense would be structured.
- In May 2013 the Council adopted an in-house structure for public defense as an interim solution until such time as it adopted a final structure for public defense (Ordinance 17588). Ordinance 17588 also created the Public Defense Criminal Justice Advisory Task Force and requested a report and recommendation on "county options for preserving the type of innovative thinking and criminal justice reform efforts that have been a part of the nationally recognized work of nonprofit public defender agencies serving King County for over the past forty years."
- In July 2013 the Council adopted Ordinance 17614, proposing a charter amendment to make permanent a Department of Public Defense charged with providing public defense legal services and fostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system. County voters approved the charter amendment in November 2013.
- In August 30 2013 the Public Defense Criminal Justice Reform Advisory Task Force submitted Report and Recommendations to Council as required by Ordinance 17588.
- In October 2013 the Council adopted Ordinance 17678, contingent on voter approval of the public defense charter amendment, implementing the charter amendment and establishing detailed procedures for appointment and confirmation of the director of the department of public defense and for appointment and confirmation of the public defense advisory board.

¹ Adapted from the 30 August 2013 report of the King County Criminal Justice Reform Advisory Task Force.